IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 31969 of 2006(E)

AGAINST THE ORDER IN EA.348/06 EP.68/05 IN OS.61/2002 of PRL.M.C., KOLLAM

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PETITIONER:

SUGUNA KUMAR, S/O.VASUDEVAN,
SREEKRISHNA MANDIRAM,
SAKTHIKULANGARA P.O., KOLLAM.

BY ADV. SRI.O.D.SIVADAS
SMT.S.HARIPRIYA

RESPONDENTS:

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1. M/S.SRI.KANNAN & CO.,
A1-SKC AGMARK GHEE MANUFACTURES, PALAKKAD,
OFFICE AT 30/260, MARIYAMMAN KOVIL STREET,
PALAKKAD-12, REP. BY THE MANAGING PARTNER
R.GOPALASWAMY, S/O.M.K.RAMASWAMY CHETTIYAR.

2. S.PREMA, W/O.SOMASUNDARAM,
PARTNER, A1-SKC AGMARK GHEE MANUFACTURERS,
PALAKKAD, OFFICE AT 30/260, MARIYAMMAN KOVIL
STREET, PALAKKAD-12.

3. S.SENTHILNATHAN, S/O.SOMASUNDARAM,
PARTNER, A1-SKC AGMARK GHEE MANUFACTURERS,
PALAKKAD, OFFICE AT 30/260, MARIYAMMAN KOVIL
STREET, PALAKKAD-12.

4. N.GOMATHY, PROPRIETRIX,
M/S.SREEKRISHNA AGENCIES,
SAKTHIKULANGARA P.O., KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

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W.P.(C) NO. 31969 OF 2006

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Dated this the 4th day of December,2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India for a direction to Principal Munsiff Court, Kollam to consider and dispose of E.A.348/06 an application filed under Order XXI Rule 58 of C.P.C by the petitioner. The grievance of the petitioner was that movable belonging to the petitioner were directed to be attached in E.P.68/05 and inspite of Ext.P3 claim petition, executing court is not deciding the question.

2. Principal Munsiff Court, Kollam is directed to dispose Ext.P3 application (E.A.348/06) as expeditiously as possible and in any event within thirty days from the date of receipt of a copy of this judgment. The question whether execution proceedings is to be proceeded without disposing the application, is to be decided by the executing court.

Writ Petition is disposed as above.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006